

Underlined text is new.

Section 1. Objective 101.6

Policy 101.6.2

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties when deemed appropriate by the Land Authority.

Section 2. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

Section 5. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

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PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, A.D., 2004.

Mayor Murray Nelson _____
Mayor Pro Tem David P. Rice _____
Commissioner Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner Dixie Spehar _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Murray Nelson

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK

DEPUTY CLERK


MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 1-31-05

EXHIBIT "A"



Exhibit "A"

MONROE COUNTY LAND AUTHORITY

1200 TRUMAN AVENUE, SUITE 207 • KEY WEST, FLORIDA 33040
PHONE (305) 295-5180 • FAX (305) 295-5181

MEMORANDUM

TO: James L. Roberts, County Administrator

FROM: Mark J. Rosch, Executive Director
Monroe County Land Authority

MR

DATE: August 8, 2003

SUBJECT: Land Authority ROGO Reserve

Pursuant to Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan, the Monroe County Land Authority has established a budgetary reserve for the purchase of property to provide administrative relief to ROGO applicants. Since FY 93, the Land Authority has set aside 35% of its recurring land acquisition revenue into this reserve. To date there have been no expenditures from this reserve and thus the balance has grown over the years to its current level of \$3.4 million. The ROGO reserve in the proposed FY 04 budget is \$3.8 million.

The County's ROGO ordinance has been in effect for 11 years. To date the Land Authority has purchased property from six ROGO administrative relief applicants at a total cost of approximately \$800,000. All but \$12,000 of this total was paid for with State funds that are no longer available (Preservation 2000 funds appropriated to the Land Authority by the Florida Legislature).

The ROGO ordinance creates a contingent liability that is difficult to forecast. The variables include: 1) how many property owners will choose to enter the ROGO competition; 2) how many ROGO allocations will be available for the County to issue; 3) which applicants will compete unsuccessfully for four years and become eligible for administrative relief; 4) which of the eligible applicants will choose to apply for administrative relief; 5) what form of administrative relief the Board will choose to offer; 6) how many eligible applicants will be willing sellers; and 7) the purchase price for a given property.

As of the most recent ROGO ranking approved by the County Planning Commission (April 14, 2003), there were 305 applications denied a ROGO allocation. Of these 305, 48 have already been in ROGO for 4 years and have either declined the Land Authority's purchase offer or have not applied for administrative relief. Depending on the outcome of future rankings, a maximum of 23 additional applications may have been in ROGO for 4 years by this time next year.

What budgetary impact will this situation have? It is impossible to know for sure. After 11 years, the impact has only been \$800,000. Assuming an average assessed value of \$45,000 per parcel, the assessed value of the 48 "4-year olds" is approximately \$2.1 million. By this time next year if the 23 "3-year olds" are still in ROGO, the estimated assessed value of potential administrative relief properties will be \$3.2 million. The estimated assessed value of all 305 applications is \$13.7 million. These figures are only rough estimates, but they illustrate the potential order of magnitude involved and the high degree of uncertainty.

The Land Authority's ROGO reserve was established pursuant to Policy 101.6.2 of the Comprehensive Plan. Should the Board wish to use a portion of the reserve for acquisitions outside of the ROGO administrative relief process, the Board should proceed by directing staff to initiate a plan amendment.

BOCC STAFF REPORT

MEMORANDUM

TO: Monroe County Board of County Commissioners

FROM: Fred Gross, Director of Lower Keys Planning Team

DATE: December 18, 2003

RE: **Amendment to Policy 101.6.2 on the Monroe County Year 2010 Comprehensive Plan to provide the Land Authority greater latitude in the acquisition of land from willing private owners.**

I. BACKGROUND

Objective 101.6 directs the County to expand the Monroe County Land Authority acquisition program to purchase land from property owners who have applied but have not received a ROGO permit for four years (Administrative Relief).

Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan requires the Monroe County Land Authority dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from property owners through Administrative Relief. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners.

Mark J. Rosch, Executive Director of the Monroe County Land Authority, in an August 8, 2003 memorandum to James L. Roberts, Monroe County Administrator, discussed the limits for acquisition imposed by Policy 101.6.2. **The memorandum is attached as "Exhibit A".**

After a review and discussion of the memorandum by the Monroe County Board of County Commissioners, the Commission directed the Growth Management Division of the County to amend the Comprehensive Plan and take other necessary steps in order to implement the Florida Keys Carrying Capacity Study (Goal 105 of the Comp Plan), and BOCC Resolution 346-2003 to provide the Land Authority greater latitude in the acquisition of land from willing owners.

At the November 24th, 2003 public meeting of the Development Review Committee, the Committee voted to recommend APPROVAL to the Planning Commission (DRC Resolution D35-03. The resolution approved by the Development Review Committee and approved by Growth Management Staff contained the following language:

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties when deemed appropriate by the Land Authority.

At the December 3rd, 2003 public hearing of the Planning Commission, the Commission voted to recommend APPROVAL to the Board of County Commissioners. The Planning Commission revised the DRC language to read as follows:

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties proposed for acquisition by governmental agencies for purposes of conservation or resource protection.

II. METHODOLOGY

BOCC Resolution 346-2003 designated and mapped Conservation and Natural Areas. These areas contain lands proposed for future acquisition by the County, State, and Federal agencies for conservation or resource protection.

The BOCC has directed the Growth Management Division staff to prepare amendments to the Monroe County Year 2010 Comprehensive Plan that will permit Land Authority funds currently dedicated for administrative Relief to also be used to acquire other lands from willing owners in the Conservation and natural areas.

The **Planning Staff** proposes that Policy 101.6.2 of The Monroe County Year 2010 Comprehensive Plan are amended as follows:

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties when deemed appropriate by the Land Authority.

The **Planning Commission** proposes that Policy 101.6.2 of The Monroe County Year 2010 Comprehensive Plan are amended as follows:

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties proposed for acquisition by governmental agencies for purposes of conservation or resource protection.

III. ANALYSIS & FINDINGS OF FACT

1. Staff finds that there is a need to amend Policy 101.6.2 in order to expand the opportunities for the Land Authority to acquire privately owned land.
2. Staff finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness.
3. Staff finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan.

III. PROPOSED TEXT

Underlined text is added.

Monroe County Year 2010 Comprehensive Plan

[Staff Recommended Text]

Objective 101.6

Policy 101.6.2

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties when deemed appropriate by the Land Authority.

[Planning Commission Recommended Text]

Objective 101.6

Policy 101.6.2

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties proposed for acquisition by governmental agencies for purposes of conservation or resource protection.

IV. RECOMMENDATION

Based on the findings of fact, the ^{Staff} ~~Planning Commission~~ recommends **APPROVAL** of the ~~BRC~~ amendment to Monroe County Year 2010 Comprehensive Plan Policy 101.6.2.

EC

PLANNING COMMISSION RESOLUTION

PLANNING COMMISSION RESOLUTION #P 79-03

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL OF A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND POLICY 101.6.2 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN TO PROVIDE THE MONROE COUNTY LAND AUTHORITY GREATER LATITUDE IN THE ACQUISITION OF LAND FROM WILLING PRIVATE OWNERS.

WHEREAS, Objective 101.6 directs the County to expand the Monroe County Land Authority acquisition program to purchase land from property owners who have applied but have not received a ROGO permit for four years (Administrative Relief); and

WHEREAS, Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan requires the Monroe County Land Authority dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from property owners through Administrative Relief; and

WHEREAS, funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners; and

WHEREAS, Mark J. Rosch, Executive Director of the Monroe County Land Authority, in an August 8, 2003 memorandum to James L. Roberts, Monroe County Administrator, discussed the limits for acquisition imposed by Policy 101.6.2. **The memorandum is attached as "Exhibit A";** and

WHEREAS, after a review and discussion of the memorandum by the Monroe County Board of County Commissioners, the Commission directed the Growth Management Division of the County to amend the Comprehensive Plan and take other necessary steps in order to implement the Florida Keys Carrying Capacity Study (Goal 105 of the Monroe County Year 2010 Comprehensive Plan, and BOCC Resolution 346-2003 to provide the Monroe County Land Authority greater latitude in the acquisition of land from willing owners; and

WHEREAS, BOCC Resolution 346-2003 designated and mapped Conservation and Natural Areas that are areas proposed for future acquisition by the County, State, and Federal agencies for conservation or resource protection; and

WHEREAS, the Monroe County Board of County Commissioners has directed the Growth Management Division staff to prepare amendments to the Monroe County Year 2010 Comprehensive Plan that will permit Land Authority

funds currently dedicated for administrative Relief to also be used to acquire other lands from willing owners in the Conservation and natural areas; and

WHEREAS, it is proposed that Policy 101.6.2 of The Monroe County Year 2010 Comprehensive Plan be amended as follows:

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1; and

WHEREAS, funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties proposed for acquisition by governmental agencies for the purposes of conservation or resource protection; and

WHEREAS, the Commission finds that there is a need to amend Policy 101.6.2 in order to expand the opportunities for the Land Authority to acquire privately owned land; and

WHEREAS, at the Development Review Committee public meeting of November 24th, 2003, the Committee recommended approval of the proposed amendment; and

WHEREAS, the proposed amendment was reviewed at Commission public hearing of December 3rd, 2003; and

WHEREAS, the Commission reviewed the following:

1. Staff report prepared on November 19, 2003 by K. Marlene Conaway, Director of Planning and Environmental Resources.
2. Memorandum of August 8th, 2003 prepared by Mark J. Rosch, Executive Director, Land Authority.
2. The sworn testimony of the Growth Management Staff; and

WHEREAS, the Commission finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, the Commission finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding findings of fact support their decision to recommend **APPROVAL** of the following amendment to the text of

the Monroe County Year 2010 Comprehensive Plan to the Monroe County Board of County Commissioners.

Underlined text is new.

Objective 101.6

Policy 101.6.2

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties proposed for acquisition by governmental agencies for purposes of conservation or resource protection.

PASSED AND ADOPTED By the Planning Commission of Monroe County, Florida at a regular meeting held on the 3rd day of December, 2003.

Lynn C. Mapes, Chair

YES

Denise Werling, Vice Chair

YES

David C. Ritz, Commissioner

YES

Giulio Margalli, Commissioner

YES

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
Lynn C. Mapes, Chair

Signed this _____ day of _____, 2003.

DRC RESOLUTION

DEVELOPMENT REVIEW COMMITTEE RESOLUTION #D35-03

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL OF A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND POLICY 101.6.2 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN TO PROVIDE THE MONROE COUNTY LAND AUTHORITY GREATER LATITUDE IN THE ACQUISITION OF LAND FROM WILLING PRIVATE OWNERS.

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WHEREAS, BOCC Resolution 346-2003 designated and mapped Conservation and Natural Areas that are areas proposed for future acquisition by the County, State, and Federal agencies for conservation or resource protection; and

WHEREAS, the Monroe County Board of County Commissioners has directed the Growth Management Division staff to prepare amendments to the

Monroe County Year 2010 Comprehensive Plan that will permit Land Authority funds currently dedicated for administrative Relief to also be used to acquire other lands from willing owners in the Conservation and natural areas; and

WHEREAS, it is proposed that Policy 101.6.2 of The Monroe County Year 2010 Comprehensive Plan be amended as follows:

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1; and

WHEREAS, funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties proposed for acquisition by governmental agencies for the purposes of conservation or resource protection; and

WHEREAS, Staff finds that there is a need to amend Policy 101.6.2 in order to expand the opportunities for the Land Authority to acquire privately owned land; and

WHEREAS, at the Development Review Committee public meeting of November 3, 2003, the Committee recommended approval of the proposed amendment; and

WHEREAS, the Development Review Committee reviewed the following:

1. Staff report prepared on October 19, 2003 by K. Marlene Conaway, Director of Planning and Environmental Resources.
2. Memorandum of August 8th, 2003 prepared by Mark J. Rosch, Executive Director, Land Authority.

WHEREAS, this Committee finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, this Committee finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the preceding findings of fact support their decision to recommend **APPROVAL** of the following amendment to the text of the Monroe County Year 2010 Comprehensive Plan to the Monroe County Planning Commission:

Underlined text is new.

Objective 101.6

Policy 101.6.2

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties when deemed appropriate by the Land Authority.

PASSED AND ADOPTED By the Development Review Committee of Monroe County, Florida at a regular meeting held on the 24th day of November, 2003.

Fred Gross, Chair	<u>YES</u>
Ralph Gouldy	<u>YES</u>
Aref Joulani	<u>YES</u>
Public Works (Fax)	<u>YES</u>
Engineering (Fax)	<u>YES</u>
Health (Fax)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

By _____
Fred Gross, Chair

Signed this 25th day of November, 2003.